

# SB2279



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2279

Introduced 2/14/2008, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.3

Amends the Criminal Code of 1961. Makes technical changes in a Section concerning criminal defacement of property.

LRB095 19567 RLC 45891 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 (Text of Section before amendment by P.A. 95-553)

8 Sec. 21-1.3. Criminal defacement of property.

9 (a) A person commits criminal defacement of property when  
10 the ~~the~~ person knowingly damages the property of another  
11 without his or her consent by defacing, deforming, or otherwise  
12 damaging the property by the use of paint or any other similar  
13 substance, or by the use of a writing instrument, etching tool,  
14 or any other similar device.

15 (b) Criminal defacement of property is a Class A  
16 misdemeanor for a first offense if the damage to the property  
17 does not exceed \$300. Criminal defacement of property is a  
18 Class 4 felony if the damage to property does not exceed \$300  
19 and the property damaged is a school building or place of  
20 worship. Criminal defacement of property is a Class 4 felony  
21 for a second or subsequent conviction or if the damage to the  
22 property exceeds \$300. Criminal defacement of property is a  
23 Class 3 felony if the damage to property exceeds \$300 and the

1 property damaged is a school building or place of worship. In  
2 addition to any other sentence that may be imposed for a  
3 violation of this Section that is chargeable as a Class 3 or  
4 Class 4 felony, a person convicted of criminal defacement of  
5 property shall be subject to a mandatory minimum fine of \$500  
6 plus the actual costs incurred by the property owner or the  
7 unit of government to abate, remediate, repair, or remove the  
8 effect of the damage to the property. To the extent permitted  
9 by law, reimbursement for the costs of abatement, remediation,  
10 repair, or removal shall be payable to the person who incurred  
11 the costs. In addition to any other sentence that may be  
12 imposed, a court shall order any person convicted of criminal  
13 defacement of property to perform community service for not  
14 less than 30 and not more than 120 hours, if community service  
15 is available in the jurisdiction. The community service shall  
16 include, but need not be limited to, the cleanup and repair of  
17 the damage to property that was caused by the offense, or  
18 similar damage to property located in the municipality or  
19 county in which the offense occurred. If the property damaged  
20 is a school building, the community service may include  
21 cleanup, removal, or painting over the defacement. In addition,  
22 whenever any person is placed on supervision for an alleged  
23 offense under this Section, the supervision shall be  
24 conditioned upon the performance of the community service.

25 (Source: P.A. 90-685, eff. 1-1-99; 91-360, eff. 7-29-99;  
26 91-931, eff. 6-1-01.)

1 (Text of Section after amendment by P.A. 95-553)

2 Sec. 21-1.3. Criminal defacement of property.

3 (a) A person commits criminal defacement of property when  
4 the ~~the~~ person knowingly damages the property of another by  
5 defacing, deforming, or otherwise damaging the property by the  
6 use of paint or any other similar substance, or by the use of a  
7 writing instrument, etching tool, or any other similar device.  
8 It is an affirmative defense to a violation of this Section  
9 that the owner of the property damaged consented to such  
10 damage.

11 (b) Criminal defacement of property is a Class A  
12 misdemeanor for a first offense if the damage to the property  
13 does not exceed \$300. Criminal defacement of property is a  
14 Class 4 felony if the damage to property does not exceed \$300  
15 and the property damaged is a school building or place of  
16 worship. Criminal defacement of property is a Class 4 felony  
17 for a second or subsequent conviction or if the damage to the  
18 property exceeds \$300. Criminal defacement of property is a  
19 Class 3 felony if the damage to property exceeds \$300 and the  
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21 addition to any other sentence that may be imposed for a  
22 violation of this Section that is chargeable as a Class 3 or  
23 Class 4 felony, a person convicted of criminal defacement of  
24 property shall be subject to a mandatory minimum fine of \$500  
25 plus the actual costs incurred by the property owner or the

1 unit of government to abate, remediate, repair, or remove the  
2 effect of the damage to the property. To the extent permitted  
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13 county in which the offense occurred. If the property damaged  
14 is a school building, the community service may include  
15 cleanup, removal, or painting over the defacement. In addition,  
16 whenever any person is placed on supervision for an alleged  
17 offense under this Section, the supervision shall be  
18 conditioned upon the performance of the community service.

19 (Source: P.A. 95-553, eff. 6-1-08.)

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes  
25 made by this Act or (ii) provisions derived from any other

1 Public Act.